



A Particular account of the Proceedings at the Old-Bayly, the 17 and 18 of this Instant *October*, with Relation to the Earl of *Shaftsbury*, and others, Prisoners in the Tower; and Mr. *Rouse*, who was Indicted of High Treason, &c.



ON Monday the 17th *October*, began at the Old-Bayly, the General-Sessions of Goal-delivery for the City of *London*, and County of *Middlesex*; where several Petitions were presented to the Court, on the behalf of the Earl of *Shaftsbury*, Lord *Howard of Eseriske*, Mr. *Wilmore*, and Mr. *Whitaker*, Prisoners in the Tower, and Mr. *Wilson* Prisoner in the Gatehouse, Praying they might be Bayled or brought to their Tryals; upon Reading whereof, the Court Declared,

That as to all the Petitions from the Prisoners in the Tower, they were to the same effect with those that had been formerly preferred; and whereupon, all the Judges had delivered their Opinions, that the Matter desired was not within the Power of this Court, but their remedy upon the Act was to move the Court of *Kings Bench* the first week of the next Term, and the Court, was now of the same opinion: And as to the Petition of *Wilson*, he was not within the Power of this Court, in regard the Commission of Goal-delivery, is limited to the Prison of *Newgate*, and extended to no other Prison, and it was mentioned, that the same had been formerly resolved in this Court, upon the like Petition of one *Christian*.

Then the Persons Empanelled to serve on the Grand Jury for the Goal-delivery for *London*, being returned to be Sworn, Objection was made against most of them, by Council that attended by appointment of Mr. Attorney-General, as being Dissenters from the Church of *England*; and two of them being charged by name, were examined by the Court, and they not denying their going to Conventicles, but refusing to Answer, the Court directed the Secondary to name two others; and thereupon directed the Sheriffs to return the Panell so reformed, by putting in the Names of the two Persons so named by the Secondary, instead of the other two which the Sheriffs at first refused to do; but the Lord Chief Justice, and all the other Judges then present, Declaring the Law in that Case; and the Act of 3 *Hen. 8.* being read, the Sheriffs did at last consent to return the Panell so Reformed.

The same day Mr. *John Rouse* was removed from the Tower to *Newgate*, in order to his Trial: And on Tuesday the 18th, an Indictment of High Treason was Preferred against the said *John Rouse*, by which he is charged to have Compassed and Imagined the Death of the King, and to have endeavoured to raise a Rebellion, and to depose His Majesty from His Crown and Dignity; and this his Wicked and Traiterous Design, to have uttered and declared by Malicious and advised Words and Discourses. The Witnesses were at the desire of the King's Council, Examined in Court. And the Jury having heard the Evidence, withdrew, and after some time returned, and desired they might Examine the Witnesses in private, which the Court did not think fit to allow of, it being Mr. Attorney's desire to have it otherwise; and the Grand Jury pretending a Privilege to have it so, the Court told them they had a Privilege to consult privately; but the King's Evidence might at any time be given either Publicly or Privately, as the Court should Order; but they should be allowed to have the Evidence given over again, and to Examine the Witnesses as thoroughly as they pleased: Whereupon they desired the Witnesses might be kept apart, and out of hearing of what was said in Court, and called one after another, to give their Evidence, which was done accordingly. The substance of the whole Evidence was as follows;

First

First, Mr. John Wiat a Gentleman of a good Estate, was Sworn, and deposed, That being in company with Mr. Roufe, he the said Roufe, after other Discourse, did say, that he believed the Parliament at Oxford would not sit long; but that the frequent Prorogations and Dissolutions would little avail the King, for that he would be forced to comply with them; that all he had was given him by the Parliament, and they might take it away again when they pleased; and that he, the Deponent, saying thereupon, That he thought the King had as much right to his Crown, as he, the Deponent, had to any Estate descended to him from his Ancestors; Roufe replied, the King had forfeited his Crown by breaking his Coronation Oath, and had no more right to it, than he, or any body else. Then Mr. Corbin (who was employed together with Mr. Roufe by the Commissioners appointed for Disbanding the late Army) was Sworn, and declared, That being present at the Discourse between Mr. Roufe and Mr. Wiat, he heard Mr. Roufe say the words above mentioned, &c. to that effect.

Mr. Hayns swore, That the said Rouse had said to him at several times, That the People of England were better than the King, that they would deal with him well enough, though he Dissolved the Parliament: That they would pull him down, and serve him as they did the Fool his Father; That the said Rouse came to him the Depoent several times, and would have had him swear that the King was privy to the Firing of London, and to the Death of Sir Edmundbury Godfrey, &c. and would have had him scatter Libels, to make the People Rise against his Majesty. And that he the Depoent had received several Sums of Money from the said Rouse.

Mr. Denis swore, That Rouse at several times told him; The King was a Papist, and intended to bring in Popery; That he therefore put off Parliaments, but that they would no longer bear with him, but would compell him to let the Parliament sit, untill they had accomplished their Ends. That He was appointed to collect Moneys for the Maintenance of the Witnesses; and that they need not fear any Prosecution, for that they would get such Juries, as would never find them Guilty. And that the Deponent received a Weekly Allowance from Rouse.

Mr. Smith, Who was a Witness against the Lord Stafford, Swore, That Rouse told him at several times that he gathered Money, and was to give freely to such as would swear any thing against the Queen or the Duke; and that the said Rouse bewsed him, the Deponent, an Information, (which he would have had Mr. Haynes swear to) wherein it is said that the King knew of the Firing of London, and the Death of Sir Edmundbury Godfrey.

Mr. Turberville, likewise a witness against the Lord Stafford, swore, That sometime after Fitz-Harris's Tryal, being with Mr. Rouse, and talking of the Times, and he, Mr. Turberville, saying, that they that had Estates to lose would have a care how they fell into a Rebellion, Rouse replied, The Rabble are all on our side, and they that have Estates among them, must do as they will have them.

*Mr. Ivie, and Mr. John Macnamarra swore, They had received several Sums of Money from Mr. Rouse; and Mr. Ivie said, Mr. Rouse would have had him swear against the King, the Queen, and the Duke.*

The Witnesses being asked concerning their Religion, all declared they were *Protestants*. And there were other Witnesses that were not examined.

Then the Grand-Jury withdrew, and after some Hours returned the Bill endorsed, *Ignoramus*. And the Court being Surprized thereat, and asking the Foreman, how they could upon so full an Evidence return an *Ignoramus*, being they were upon their Oaths, and whether they believed not the Witnesses, or were unsatisfied in Matter of Law; For if they doubted the Law in any thing, they might have had the Opinion of the Court. The Foreman answered, That that was their Verdict, and they had satisfied their own Consciences, and conceived they were not bound to shew any Reasons for it.

*By Authority.*

E D I N B U R G H.

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